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EXAMINER

MISIASZEK, MICHAEL

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 7/14/2006 have been received and reviewed. The status of the claims is as follows:

Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 1-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Waddington et al. (US 20020010661 A1, hereinafter Waddington).**

Regarding Claims 1-4

Waddington discloses a method of creating invoices for goods or services supplied to a buyer from a supplier, comprising:

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- receiving the goods or services at the buyer, the receipt of the goods or services evidenced by a receipt document (at least paragraph [0011]: item delivery and receipt record)
- the buyer generating invoices based on the receipt document and providing the generated invoices to the supplier (at least paragraph [0011]: buyer verifies contents using shipping record and item lists)
- wherein the receipt document reflects actual goods or services received by the buyer (at least paragraph [0011]: receipt record includes shipping unit and discrepancies)
- wherein the buyer pulls the goods or services from the supplier (at least paragraph [0010]: customer obtains items from retail store through distribution center)
- wherein a third party logistics warehouse system is interposed between the supplier and the buyer, such that the third party logistics warehouse system receives the goods or services from the supplier and makes the goods or services available to the buyer (at least paragraph [0010]: distribution center)

Regarding Claims 5-9

Waddington further discloses:

- wherein the buyer pulls the goods or services from the third party logistics warehouse system (at least paragraph [0010]: customer obtains items from retail store through distribution center)

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- checking the generated invoices and determining whether the generated invoices are approved prior to providing the generated invoices to the supplier (at least paragraph [0011]: obtaining customer signature)
- the buyer generating reports based on the generated invoices, the reports containing logistical data (at least paragraph [0011]: creating list of discrepancies)
- a plurality of suppliers that supply the goods or services to the buyer, the plurality of suppliers being identifiable by the buyer such that a particular supplier supplying particular goods or services is identified by the buyer upon receipt of the goods or services (at least figures 1 and 3: plurality of retail stores and retail store identifier on shipping label)
- determining whether goods are returned to the supplier, and generating a debit memo if goods have been returned to the supplier (at least paragraph [0010]: returns record)

Regarding Claims 10-15

Waddington discloses a computer readable media bearing instructions that cause a computer at a buyer to:

- determine at the buyer that goods have actually been received at the buyer (at least paragraph [0011]: electronically verifying delivery contents)

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- create an invoice at the buyer based on the determination that goods have actually been received at the buyer (at least paragraph [0011]: electronically creating receipt and shipping records)
- wherein the instructions further cause the computer to generate an invoice report and forward the invoice report to a vendor (at least paragraph [0123]: records sent to retailer)
- wherein the determination at the buyer that goods have actually been received includes inputting a receipt traveler upon verification of goods received at the buyer (at least paragraph [0011]: receipt record and signature confirmation from buyer)
- wherein the instructions further cause the computer to create a purchase order for goods (at least paragraph [0077]: order for items generated)
- wherein the instructions further cause the computer to forward the invoice to an invoice approval process prior to generating an invoice report (at least paragraph [0011]: customer signature)
- wherein the instructions further cause the computer to generate a debit memo when goods are returned to a vendor (at least paragraph [0010]: return records created)

Regarding Claims 17-20

Waddington discloses an invoicing system for goods and services, comprising:

- a computer system (at least figure 4)

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- means for creating invoices from the computer system at a buyer based on goods or services actually received at the buyer (at least paragraph [0011]: electronically creating receipt and shipping records)
- wherein the means for creating invoices includes means for creating the invoices based on receipt documents that document the actual receipt of the goods or services at the buyer (at least paragraph [0011]: electronically creating receipt and shipping records)
- means for providing an invoice report to a vendor based on the invoices created at the buyer (at least paragraph [0123]: delivery reports sent to retailer)
- means for generating a debit memo to the vendor when goods are returned to the vendor (at least paragraph [0010]: receipt reports generated)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waddington in view of Shore (US 20030149662 A1).

Waddington discloses the claimed invention except for:

- the instructions further cause the computer to forward the invoice report to the vendor by electronic mail.

Shore teaches that it is known to include forwarding an invoice by electronic mail (at least paragraph [0199]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invoicing method and system, as taught by Waddington, with the invoice forwarding by electronic mail, as taught by Shore, since such a modification would have provided a mobile, user-friendly purchasing means for electronic transactions (at least paragraph [0004] of Shore).

Response to Arguments

Applicant's arguments with regard to the 35 U.S.C. 102 rejection of claims 1-15 and 17-20 have been fully considered but they are not persuasive. Applicant asserts that the Waddington reference fails to show or suggest a buyer generating invoices. Taken in its broadest reasonable interpretation, the term invoices is simply a list of goods shipped or services rendered. Therefore, in order to generate an invoice, one must generate either a list of goods shipped, or a list of services rendered. In the case of the Waddington reference, at least paragraph [0011] discloses how a customer, upon delivery of goods, creates a delivery record, listing the goods that are actually delivered in comparison to goods that were supposed to be delivered. Thus, the customer indeed generates an invoice, by creating a list of goods shipped. As asserted by the applicant, in the Waddington reference, there are invoices that are created by the distributor and not the consumer. However, the fact that these invoices are created does not preclude the consumer from creating additional invoices.

Applicant's arguments with regard to the rejection of claim 16 are not persuasive for the same reasons that the arguments regarding claims 1-15 are not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
9/28/2006


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